

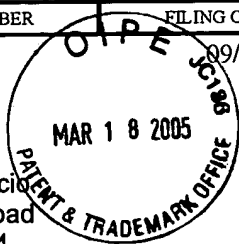


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/653,692	09/02/2003	Allen Carl	CARL-1 CON

Mark J. Pandiscio
 Pandiscio & Pandiscio
 470 Totten Pond Road
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CONFIRMATION NO. 3490

FORMALITIES LETTER



OC000000014094105

Repln. Ref: 03/21/2005 DTESSEN1 0018435000
 DAH:160221 Name/Number:10653692
 FC: 9204 \$105.00 CR

Date Mailed: 10/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/21/2005 DTESSEN1 00000029 10653692

FILED UNDER 37 CFR 1.53(b)

02 FC:2051
 03 FC:2001

65.00 OP
 395.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$606 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1526 for a Large Entity

- \$790 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$606

- \$264 for 3 independent claims over 3.
- \$342 for 19 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl
Serial No.: 10/653,692
Filed: 09/02/2003
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY

Group Art Unit: 3739

Examiner: Unknown

Attorney's Docket No.: CARL-1 CON

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,
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FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

March 15, 2005

(DATE OF DEPOSIT)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 3/15/05

(SIGNATURE)

March 15, 2005

(DATE OF SIGNATURE)

Sir:

RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION - FILING DATE GRANTED

In response to the outstanding NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, Applicant
hereby respectfully submits the following:

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(1) a PRELIMINARY AMENDMENT amending the claims pending in the case;

(2) one (1) check in the amount of \$500.00 to cover the filing fees, this charge having been calculated on the basis of Small Entity status;

(3) one (1) check in the amount of \$65.00 to cover the surcharge for the late payment of the filing fee, this charge having been calculated on the basis of Small Entity status; and

(4) a duplicate copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, as requested in the Notice.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

A duplicate copy of this RESPONSE TO OUTSTANDING NOTICE TO
FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE
GRANTED is enclosed for the convenience of the Patent and
Trademark Office.

Respectfully submitted,

Mark J. Pandiscio 3/15/05

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EC2/CARL1CON.MPR

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